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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA, ex )  
12 rel. MARY HENDOW and JULIE ) 2:03-cv-00457-GEB-DAD  
13 ALBERTSON, )  
14 Plaintiffs, ) ORDER  
15 v. )  
16 UNIVERSITY OF PHOENIX, )  
17 Defendant. )  
\_\_\_\_\_ )

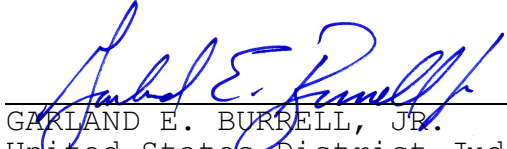
18 On April 6, 2009, Defendant University of Phoenix  
19 ("University") filed a motion to seal; and on April 7, 2009,  
20 University filed a request for leave of court to replace Exhibit 1  
21 in this motion. However, the University has failed to show in its  
22 April 6 motion that the sealing order it seeks is appropriate under  
23 the applicable standard. See Kamakana v. City and County of  
24 Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (discussing sealing  
25 standards). Therefore, the University's April 6 motion for a  
26 sealing order is denied.

27 Since this motion is denied, it is unnecessary to reach  
28 decision on the University's request for leave to replace Exhibit 1

1 in the April 6 motion because all the documents the University  
2 submitted in conjunction with this motion for in camera review  
3 shall be returned to the University's counsel. See United States  
4 v. Baez-Alcaino, 718 F.Supp. 1503, 1506 (M.D.Fla.1989) (explaining  
5 that when a judge decides in camera that a document has not been  
6 shown appropriate for sealing, the document should be returned to  
7 the submitting party, who may then decide what to do).

8 IT IS SO ORDERED.

9 Dated: April 8, 2009

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GARLAND E. BURRELL, JR.  
United States District Judge  
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